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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2011-528*

13 **ELIZABETH BOWMAN BOGGS,**
14 **a.k.a. BETSY BOGGS**
15 **3529 Cody Way, #112**
16 **Sacramento, CA 95864**
17 **Registered Nurse License No. 370762**

ACCUSATION

Respondent.

18 Complainant alleges:

PARTIES

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 2. On or about January 31, 1984, the Board issued Registered Nurse License Number
23 370762 to Elizabeth Bowman Boggs, also known as Betsy Boggs ("Respondent"). Respondent's
24 registered nurse license was in full force and effect at all times relevant to the charges brought
25 herein and will expire on January 31, 2012, unless renewed.

STATUTORY AND REGULATORY PROVISIONS

26 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
27 the Board may discipline any licensee, including a licensee holding a temporary or an inactive
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1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
2 Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
5 to render a decision imposing discipline on the license. Under Code section 2811, subdivision
6 (b), the Board may renew an expired license at any time within eight years after the expiration.

7 5. Code section 2761 states, in pertinent part:

8 The board may take disciplinary action against a certified or licensed
9 nurse or deny an application for a certificate or license for any of the following:

10 (a) Unprofessional conduct, which includes, but is not limited to, the
11 following:

12 (1) Incompetence, or gross negligence in carrying out usual certified or
13 licensed nursing functions.

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15 (d) Violating or attempting to violate, directly or indirectly, or assisting
16 in or abetting the violating of, or conspiring to violate any provision or term of this
17 chapter or regulations adopted pursuant to it . . .

18 6. Code section 2826, subdivision (a), states:

19 "Nurse anesthetist" means a person who is a registered nurse, licensed by
20 the board and who has met standards for certification from the board. In the
21 certification and recertification process the board shall consider the standards of the
22 Council on Certification of Nurse Anesthetists and the Council on Recertification of
23 Nurse Anesthetists and may develop new standards if there is a public safety need for
24 standards more stringent than the councils' standards. In determining the adequacy for
25 public safety of the councils' standards or in developing board standards, the board
26 shall comply with the provisions of Chapter 3.5 (commencing with Section 11340) of
27 Part 1 of Division 3 of Title 2 of the Government Code.¹

28 7. Code section 2830 states that "[t]he board shall issue a certificate to practice nurse
anesthesia to any person who qualifies under this article and is licensed pursuant to the provisions
of this chapter."

¹ According to the American Association of Nurse Anesthetists, the education and
experience required to become a CRNA (certified nurse anesthetist) include a Bachelor of
Science in Nursing or other appropriate baccalaureate degree, a current license as a registered
nurse, at least one year of experience as a registered nurse in an acute care setting, graduation
with a minimum of a master's degree from an accredited nurse anesthesia educational program,
and passing the national certification examination following graduation.

8. Code section 2830.6 states:

Notwithstanding Section 2830, the board shall certify all applicants who can show certification by the Council on Certification of Nurse Anesthetists or the Council on Recertification of Nurse Anesthetists as of the effective date of this chapter. This certification shall be documented to the board in a manner to be determined by the board. Proof of certification shall be filed with the board within six months from the effective date of this article and the board shall, within one year from the effective date of this article, issue a certificate to applicants who have filed proof of certification within that six-month period.

9. California Code of Regulations, title 16, section ("Regulation") 1443 states:

As used in Section 2761 of the code, "incompetence" means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5.

COST RECOVERY

10. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Violations of Provisions of the Chapter)

11. At all times relevant herein, Respondent was employed as a registered nurse at Fort Sutter Surgery Center located in Sacramento, California.

Patient 19:

12. On or about September 12, 2008, Respondent was assigned to assist a physician during a cervical selective nerve root block procedure on Patient 19. Between 0957 and 1010 hours, Respondent administered Fentanyl 50 mg to the patient followed by Versed 4 mg and

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Propofol 30 mg.² The patient became unresponsive in the recovery room after receiving too much sedation. The physician was called and resuscitative measures, including manual ventilation and administration of reversal medications, were instituted. The patient responded and subsequently recovered.

Patient 20:

13. On or about October 10, 2008, Respondent was assigned to assist a physician during a cervical selective nerve root block procedure on Patient 20. Between 1252 and 1259 hours, Respondent administered Demerol 50 mg to the patient followed by Versed 6 mg and Propofol 40 mg. The patient became apneic (stopped breathing). The physician began resuscitation and the patient recovered.

Patient 21:

14. On or about July 11, 2008, Respondent was assigned to assist a physician during a lumbar facet nerve rhizotomy procedure on Patient 21. Between 0707 and 0715 hours, Respondent administered Demerol 100 mg and Versed 8 mg to the patient. Between 0720 and 0730 hours, Respondent administered a total of 40 mg of Propofol to the patient. The patient was taken to the recovery room and became unresponsive from over sedation. The patient was manually ventilated and given reversal medications. The physician(s) was called and took over the patient's care and the patient subsequently recovered.

15. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (d), in that Respondent violated or attempted to violate, directly or indirectly, or assisted in or abetted the violation of, or conspired to violate sections 2826, subdivision (a), and 2830 of that Code, as follows: Respondent administered anesthetic medications, including Propofol, to patients 19, 20, and 21, when she was not certified by the Board as a nurse anesthetist.

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² Propofol is a short acting intravenously administered hypnotic agent used in the induction and maintenance of general anesthesia, sedation for mechanically ventilated adults, and procedural sedation.

SECOND CAUSE FOR DISCIPLINE

(Incompetence)

16. Complainant incorporates by reference as though fully set forth herein the allegations contained in paragraphs 11 through 14 above.

17. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a)(1), on the grounds of unprofessional conduct, Respondent was guilty of incompetence in her care of patients 19, 20, and 21, within the meaning of Regulation 1443, as follows: Respondent failed to recognize her limitations and administered Propofol to patients 19, 20, and 21 when she did not have adequate learning, skill, care, or experience in administering anesthetic medications or agents.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 370762, issued to Elizabeth Bowman Boggs, also known as Betsy Boggs;

2. Ordering Elizabeth Bowman Boggs, also known as Betsy Boggs, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: 12/14/10

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant